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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2623

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/056,363	Applicant(s) JANEVSKI, ANGEL	
	Examiner Farzana E. Hossain	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-13, 15, 16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 2-13, 15, 16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) 21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to communications filed 07/24/06. Claims 2-13, 15-16, 18-23 are pending. Claims 1, 14, 17 are cancelled. Claims 2, 3, 13, 16, 18, 20 are amended. Claim 19 is placed in independent form with any amendments to the claim. Claims 4-12, 15 are original. Claims 21-23 are new.

### ***Response to Arguments***

2. Applicant's arguments filed 07-24-06 have been fully considered but they are not persuasive.

3. The applicant argues for Claims 2 and 13 that Sitnik is silent on "editing process module produces an edited version in light of a viewing context of the user in combination with said user profile" (Page 10).

In response to the arguments, the applicant's disclosure discloses viewing context as audience composition or available viewing time (Abstract) and that viewing context includes issues related to viewing audience such viewers in the household under the age of thirteen or the presence of small children (Page 2, lines 7-11, 19-22). The disclosure also discloses that the user profile includes television-viewing habits and preferences the user (Page 12, lines 3-12).

Sitnik clearly discloses that viewing context or audience composition or if the user has children under the age of thirteen (Column 1, lines 65-67, Column 2, lines 1-3) and other demographics (Column 7, lines 51-55). Sitnik also discloses that the information is used to determine alternative images which produce edited versions (Column 2, lines 5-10). Sitnik discloses that the user profile of preferences and habits are used with audience composition (Column 7, lines 41-56) to determine the edited version, which meets the limitation of viewing context in combination with a user profile.

In response to arguments on page 11 for Claim 2 and 13, the applicant argues that Lewis cannot overcome the shortcoming of Ochiai as it relates to content editing based on maturity level of a user. Lewis discloses user profile including preferences and audience composition (Page 13, paragraph 0136, Page 5, paragraphs 0041-0042), which meets the limitation of edited version in light of viewing context information (Page 13, paragraph 0136, Page 5, paragraphs 0041-0042) in combination with a user profile (Pages 16-17, paragraphs 0169, 0173).

4. The applicant argues for Claim 19 that Sitnik fails to anticipate the edited version comprises adding at least one additional video segment to the sequence of video segments. The claim limitation is still broader in scope than the applicant is arguing. The adding can be met by adding another segment whether or not it is an alternative segment the segment is still added and it produces an edited version.

Sitnik clearly adds a segment to the sequence of video segments for an edited version as the alternative segment is still being added (Figure 3, S303, Column 2, lines 12-17, Column 4, lines 8-33).

Ochiai discloses adding a segment to the sequence of video segments for an edited version (Figure 8B). The applicant needs to clearly amend his claim in order for Sitnik to fail to disclose the limitation.

In regard to the arguments to Ochiai, the applicant discloses that it unclear how the citation relates to the two displaying steps of claim 19 (Page 11).

Ochiai can display the sequence of video segments of the program (Column 7, lines 59-67) via the display (Figure 5, 16) and producing the edited version and displaying the edited version (Column 7, lines 59-67, Figure 8B).

5. Claim 2 of the instant application is very similar Claim 1 of Sitnik. Double patenting rejection is maintained.

### ***Drawings***

6. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures include hand drawn or handwritten elements. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Objections***

7. Claim 21 is objected to because of the following informalities: Claim 21 recites, "the viewing context of the user comprises detected composition of a currently viewing audience comprised of at least one person in addition to said user." The claim is unclear. The Office assumes that the detected composition is the number of people in the room. Appropriate correction is required.

8. Claim 23 is objected to because of the following informalities: Claim 23 depends from cancelled claim 1. The office assumes Claim 23 depends from Claim 2. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. The claimed subject matter of detected composition is not in the specification. The specification discloser viewing context parameters and issues related to the viewing audience such as the number people in the room but does not detail nor mention detecting the number of people in the room.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 2-4, 6, 7, 10-13, 15, 18-20, 22, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Sitnik (US 6,160,570).

Regarding Claims 2 and 13, Sitnik an apparatus for receiving a television (TV) program transmitted as a transport stream and for editing the TV program for a user (Figure 1, Figure 2), and a data storage medium comprising indication of instruction for a processor (Figure 2, 19, 21, 24, 22) to perform a method for receiving a TV program transmitted as a transport stream and for editing TV program (Figure 3), the apparatus

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and method comprising a memory (Figure 2, 21, 24, 22) for storing the transport stream (Column 6, lines 22-37), a user profile (Column 6, lines 34-40) and computer executable process modules (Column 6, lines 22-29); a display processor for receiving video data contained in the transport stream (Figure 2, 12), and for providing the video data as sequence of video segments or portions in the video sequence (Column 5, lines 33-35); a display for displaying the sequence of video segments or portions (Figure 2, 14) and an editing process module for producing an edited version of the TV program in light of the user profile to thereby cause the display processor to display the edited version (Figure 2, 19, Column 5, lines 51-67, Column 6, lines 1-3). Sitnik discloses that the editing process module produces an edited version in light of a viewing context of the user (Column 1, lines 65-67, Column 2, lines 1-3, Column 7, lines 41-56) in combination with the user profile (Column 7, lines 41-56).

Regarding Claim 19, see rejections of Claims 1 and 13 above. Sitnik discloses that an additional program with additional segments has been supplied to the user in order to produce an edited version of the TV program (Figure 3, S303).

Regarding Claims 3 and 22, Sitnik discloses all the limitations of Claims 2 and 13 respectively. Sitnik discloses that the viewing context comprises the user's viewing history with respect to the video segments of the TV program (Column 7, lines 41-56).

Regarding Claim 4, Sitnik discloses all the limitations of Claim 2. Sitnik discloses wherein the edit version of the TV program comprises at least one video segment having been deleted (Figure 3, S303).



Regarding Claims 6 and 15, Sitnik discloses all the limitations of Claims 2 and 13 respectively. Sitnik discloses that an additional program with additional segments has been supplied to the user in order to produce an edited version of the TV program (Figure 3, S303).

Regarding Claim 7, Sitnik discloses all the limitations of Claim 6. Sitnik discloses that one additional video segment is supplied to the apparatus as an alternative segment or alternative images transmitted in the transport stream (Figure 3, S303, Column 4, lines 8-13).

Regarding Claims 10 and 20, Sitnik discloses all the limitations of Claim 2 and 19 respectively. Sitnik discloses the editing process module utilizes video segment data or portions of the video data (Column 3, lines 60-67, Column 4, lines 8-13).

Regarding Claim 11, Sitnik discloses all the limitations of Claim 10. Sitnik discloses the video segment data is present in the transport stream (Column 3, lines 60-67, Column 4, lines 8-13).

Regarding Claim 12, Sitnik discloses all the limitations of Claim 10. Sitnik discloses that the controller performs the process of determining the video segment data (Column 4, lines 2-7, Column 5, lines 2-6), which necessarily includes an image identification process module as it performs the function of identifying the image.

Regarding Claim 18, Sitnik discloses all the limitations of Claim 19. Sitnik discloses editing to produce the edited version in light of a viewing context of the user (Column 1, lines 65-67, Column 2, lines 1-3, Column 7, lines 41-56) in combination with the user profile (Column 7, lines 41-56).

Regarding Claim 23, Sitnik discloses all the limitations of Claim 2. Sitnik discloses that the viewing context of the user in light of which the editing is preformed comprises a current viewing time in relation to a viewing time constraint or tailoring programming to a specific time of the day (Column 3, lines 1-3, Column 7, lines 45-50).

13. Claims 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ochiai et al (US 6,314,568 and hereafter referred to as "Ochiai").

Regarding Claim 19, Ochiai discloses a method for receiving a television program transmitted as a transport stream and for editing the television program for a user or the CPU/controller performs the method for receiving a TV program transmitted as a transport stream and for editing the program (Column 7, lines 28-38) comprising a memory for storing the transport stream (Figure 5, 12), a user profile (Figure 5, 12, Column 7, lines 20-26). It is necessarily inherent that the CPU has computer executable process modules as the CPU controls the whole operation of receiving and editing a program for a viewer (Column 7, lines 28-37). Ochiai discloses an operating system performing a function of determining marks on the sequence of the program (Column 10, lines 36-39), which is a step to reproduce a viewer's program. It is necessarily included that computer executable process modules such as the operating system and programs to control the function of the controller or CPU are stored in the main memory, which necessarily includes the storing or programs for the CPU to fetch, (Figure 5, 14) or other memory (Figure 5, 12, 12a) in the receiver in order to perform the functions of the CPU. Ochiai discloses receiving video data contained in the transport

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stream or receiving the broadcast program (Column 4, lines 59-65, Figure 1, S1, 11, S3 13); providing the video data as sequence of video segments (Figure 4); displaying the sequence of video segments (Figure 5, 16), producing an edited version of the TV program in light of the user profile (Figure 5, 15, Column 7, lines 28-38, Figures 6, 7, 8A, 8B), and displaying the edited version (Figure 5, 16, Figures 6, 7, 8A, 8B). Ochiai discloses that an additional program with additional segments has been supplied to the user in order to produce an edited version of the TV program (Figure 8B) such as items or scenes G, H, and I have added to the program.

Regarding Claim 20, Ochiai discloses all the limitations of Claim 19. Ochiai discloses the controller or CPU producing an edited version comprises utilizing video segment data (Figures 4-7, 8A, 8B).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 4-7, 10-13, 15, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Lewis (US 2003/0040962 and hereafter referred to as "Lewis").

Regarding Claims 2 and 13, Ochiai discloses an apparatus for receiving a television (TV) program transmitted as a transport stream (Figure 3, S1) and for editing the TV program for a user or reproduce the viewer or user's program (Figure 3, S6) and a data storage medium comprising indicia of instruction for a processor or a main memory which necessarily includes the storing of programs that the CPU fetches (Figure 5, 14) to perform a method for receiving a television program transmitted as a transport stream and for editing the television program for a user or the CPU/controller performs the method for receiving a TV program transmitted as a transport stream and for editing the program (Column 7, lines 28-38); the apparatus and the method comprising a memory for storing the transport stream (Figure 5, 12), a user profile (Figure 5, 12, Column 7, lines 20-26). It is necessarily inherent that the CPU has computer executable process modules as the CPU controls the whole operation of receiving and editing a program for a viewer (Column 7, lines 28-37). Ochiai discloses an operating system performing a function of determining marks on the sequence of the program (Column 10, lines 36-39), which is a step to reproduce a viewer's program. It is necessarily included that computer executable process modules such as the operating system and programs to control the function of the controller or CPU are stored in the main memory, which necessarily includes the storing of programs for the CPU to fetch, (Figure 5, 14) or other memory (Figure 5, 12, 12a) in the receiver in order to perform the functions of the CPU. Ochiai discloses a display processor for receiving video data contained in the transport stream (Figure 5, 15, 16), and for providing the video data as sequence of video segments (Figure 4); a display for displaying the sequence of video

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segments (Figure 5, 16, Column 7, lines 59-67), and the controller or CPU performs the process for producing an edited version of the TV program in light of the user profile to thereby cause the display processor to display the edited version (Figure 5, 15, Column 7, lines 28-38, Figures 6, 7, 8A, 8B), which would necessarily include an editing process module which performs the same function. Ochiai discloses that the viewer is shown an edited version of a program based on the viewer's tastes or viewing context information. Ochiai is silent on the edited version in light of a viewing context of the user in combination with the user profile. Lewis discloses that an apparatus receiving the transport stream and a memory for storing the transport stream (Pages 12-13, paragraphs 0134-0135) and editing the program based on a user profile (Page 13, paragraph 0136). Lewis discloses that a user profile (Pages 16-17, paragraphs 0169, 0173) with viewing context information, wherein context information is composition of viewing audience such as demographic data of the viewer indicates child (V-CHIP) (Page 13, paragraph 0136, Page 5, paragraph 0041-0042). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ochiai to include that the edited version is based on viewing context information such as the composition of viewing audience (Page 13, paragraph 0136, Page 5, paragraphs 0041-0042) in combination with a user profile (Pages 16-17, paragraphs 0169, 0173) as taught by Lewis in order to provide a user-friendly control interface which permits the end user to efficiently and effectively manipulate and manage data feeds (Page 2, paragraph 0015) as disclosed by Lewis.

Regarding Claim 4, Ochiai and Lewis disclose all the limitations of Claim 2. Ochiai discloses wherein the edit version of the TV program comprises at least one video segment having been deleted or the viewer's program does not include segments C and E (Figure 6) from the original received program (Figure 4).

Regarding Claims 5 and 16, Ochiai and Lewis disclose all the limitations of Claims 2 and 13 respectively. Ochiai discloses wherein the edit version of the TV program comprises at least one video segment having been rearranged in time (Figure 7) from the original received program (Figure 4).

Regarding Claims 6 and 15, Ochiai and Lewis disclose all the limitations of Claims 2 and 13 respectively. Ochiai discloses that an additional program with additional segments has been supplied to the user in order to produce an edited version of the TV program (Figure 8B) such as items or scenes G, H, and I have added to the program.

Regarding Claim 7, Ochiai and Lewis disclose all the limitations of Claim 6. Ochiai discloses that one additional video segment is supplied to the apparatus as an alternative segment transmitted in the transport stream or an additional program with segments are sent to the viewer and the viewer's program or edited version is made up of the original program and alternative segments from the second program (Figure 8A).

Regarding Claims 10, Ochiai and Lewis disclose all the limitations of Claim 2. Ochiai discloses the controller or CPU producing an edited version comprises utilizing video segment data (Figures 4-7, 8A, 8B).

Regarding Claim 11, Ochiai and Lewis disclose all the limitations of Claim 10. Ochiai discloses the video segment data is present in the transport stream as the TV program consists of video segments (Figures 4-7, 8A, 8B) and the TV program is received from a broadcasting station (Column 4, lines 59-65, Figure 1, S1, 11, S3 13).

Regarding Claim 12, Ochiai and Lewis disclose all the limitations of Claim 10. Ochiai discloses that the controller performs the process of determining the video segment data (Column 7, lines 28-38, Figure 4, Figure 9, Figure 10), which necessarily includes an image identification process module as it performs the function of identifying the image.

Regarding Claim 18, Ochiai discloses all the limitations of Claim 19. Ochiai discloses that the viewer is shown an edited version of a program based on the viewer's tastes or viewing context information. Ochiai is silent on the edited version in light of a viewing context of the user in combination with the user profile. Lewis discloses that an apparatus receiving the transport stream and a memory for storing the transport stream (Pages 12-13, paragraphs 0134-0135) and editing the program based on a user profile (Page 13, paragraph 0136). Lewis discloses that a user profile (Pages 16-17, paragraphs 0169, 0173) with viewing context information, wherein context information is composition of viewing audience such as demographic data of the viewer indicates child (V-CHIP) (Page 13, paragraph 0136, Page 5, paragraph 0041-0042). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ochiai to include that the edited version is based on viewing context information such as the composition of viewing audience (Page 13, paragraph 0136, Page 5, paragraphs 0041-0042) in

combination with a user profile (Pages 16-17, paragraphs 0169, 0173) as taught by Lewis in order to provide a user-friendly control interface which permits the end user to efficiently and effectively manipulate and manage data feeds (Page 2, paragraph 0015) as disclosed by Lewis.

16. Claims 3, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Lewis as applied to claim 2 above, and further in view of Sitnik.

Regarding Claims 3 and 22, Ochiai and Lewis disclose all the limitations of Claim 2. Ochiai and Lewis are silent on viewing context information comprises user's viewing history with respect to the video segments of the TV program. Sitnik discloses that the viewing context comprises the user's viewing history with respect to the video segments of the TV program (Column 7, lines 41-56). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ochiai in view of Lewis to include viewing context comprises the user's viewing history with respect to the video segments of the TV program (Column 7, lines 41-56) as taught by Sitnik in order to insert video images which can be more narrowly targeted to a particular viewer or audience (Column 1, lines 41-55) as disclosed by Sitnik.

Regarding Claim 23, Ochiai and Lewis disclose all the limitations of Claim 2. Ochiai and Lewis are silent on the viewing context of the user in light of which the editing is preformed comprises a current viewing time in relation to a viewing time constraint. Sitnik discloses that the viewing context of the user in light of which the editing is preformed comprises a current viewing time in relation to a viewing time



constraint or tailoring programming to a specific time of the day (Column 3, lines 1-3, Column 7, lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ochiai in view of Lewis to include the viewing context of the user in light of which the editing is preformed comprises a current viewing time in relation to a viewing time constraint or tailoring programming to a specific time of the day (Column 3, lines 1-3, Column 7, lines 45-50) as taught by Sitnik in order to insert video images which can be more narrowly targeted to a particular viewer or audience (Column 1, lines 41-55) as disclosed by Sitnik.

17. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitnik in view of Ochiai.

Regarding Claims 5 and 16, Sitnik discloses all the limitations of Claims 2 and 13 respectively. Sitnik is silent on the edit version of the TV program comprises at least one video segment having been rearranged in time. Ochiai discloses wherein the edit version of the TV program comprises at least one video segment having been rearranged in time (Figure 7) from the original received program (Figure 4). Therefore, it would have been obvious to one of ordinary skill in the art to modify Sitnik to include wherein the edit version of the TV program comprises at least one video segment having been rearranged in time (Figure 7) from the original received program (Figure 4) as taught by Ochiai in order to allow a viewer to watch a broadcast program in different order more efficiently without complicated systems (Column 1, lines 55-67, Column 2, lines 1-6) as disclosed by Ochiai.

18. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitnik in view of Ochiai et al (US 6,757,482 and hereafter referred to as "Ochiai2").

Regarding Claim 8, Sitnik discloses all the limitations of Claim 6. Sitnik discloses additional segments are supplied to the apparatus (Figure 1). Sitnik is silent on the additional segment(s) is supplied from a source separate from the transport stream. Ochiai2 discloses an apparatus for receiving a television (TV) program transmitted as a transport stream (Figure 2, 91) and for editing the TV program for a user or reproduce the viewer or user's program (Figure 2, 5, 6), the apparatus comprising a memory for storing the transport stream (Figure 2, 11). Ochiai2 discloses a display processor for receiving video data contained in the transport stream (Figure 2, 5), and for providing the video data as sequence of video segments (Figure 6); a display for displaying the sequence of video segments (Figure 2, 7), and the controller or CPU performs the process for producing an edited version of the TV program to cause the display processor to display the edited version (Figures 6-8). Ochiai2 discloses that the broadcast data or TV programs can be acquired and reproduced fro viewers to have edited versions of the programs (Figures 6-8) including receiving a first program and a second program with additional scenes or segments that can be used alternatively to the first programs segments (Figure 8). Ochiai2 discloses that the broadcast data can be received via the Internet (Column 11, lines 8-16) and also received broadcast data can come from various types of tuners (Column 7, lines 14-16) which indicates the two programs can be received via two separate sources. Therefore, it would have been

obvious to one of ordinary skill in the art to modify Sitnik to include that programs with additional segments can be received from separate sources as taught by Ochiai2 in order to allow a viewer to watch a broadcast program in different order (Column 1, lines 35-48) as disclosed by Ochiai2.

Regarding Claim 9, Sitnik and Ochiai2 disclose all the limitations of Claim 8. Ochiai2 discloses that the separate source can be additional tuners or Internet.

19. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Lewis as applied to claim 6 above, and further in view Ochiai2.

Regarding Claim 8, Ochiai and Lewis discloses all the limitations of Claim 6. Ochiai discloses additional segments are supplied to the apparatus via another program with scenes. Ochiai is silent on the additional segment(s) is supplied from a source separate from the transport stream. Ochiai2 discloses an apparatus for receiving a television (TV) program transmitted as a transport stream (Figure 2, 91) and for editing the TV program for a user or reproduce the viewer or user's program (Figure 2, 5, 6), the apparatus comprising a memory for storing the transport stream (Figure 2, 11). Ochiai2 discloses a display processor for receiving video data contained in the transport stream (Figure 2, 5), and for providing the video data as sequence of video segments (Figure 6); a display for displaying the sequence of video segments (Figure 2, 7), and the controller or CPU performs the process for producing an edited version of the TV program to cause the display processor to display the edited version (Figures 6-8). Ochiai2 discloses that the broadcast data or TV programs can be acquired and

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reproduced for viewers to have edited versions of the programs (Figures 6-8) including receiving a first program and a second program with additional scenes or segments that can be used alternatively to the first programs segments (Figure 8). Ochiai2 discloses that the broadcast data can be received via the Internet (Column 11, lines 8-16) and also received broadcast data can come from various types of tuners (Column 7, lines 14-16) which indicates the two programs can be received via two separate sources. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ochiai in view of Lewis to include that programs with additional segments can be received from separate sources as taught by Ochiai2 in order to allow a viewer to watch a broadcast program in different order (Column 1, lines 35-48) as disclosed by Ochiai2.

Regarding Claim 9, Ochiai, Lewis and Ochiai2 disclose all the limitations of Claim 8. Ochiai2 discloses that the separate source can be additional tuners or Internet.

20. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sitnik in view of Tetsumura (US 5,793,409).

Regarding Claim 21, Sitnik discloses all the limitations of Claim 13. Sitnik is silent the viewing context of the user comprises detected composition of a currently viewing audience comprised of at least one person in addition to the user. Tetsumura discloses a household watching a program and detecting the number of people watching the program and the program (Column 3, lines 7-25, Column 4, lines 66-67, Column 5, lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art to modify Sitnik to include discloses a household watching a program and

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detecting the number of people watching the program and the program (Column 3, lines 7-25, Column 4, lines 66-67, Column 5, lines 1-3) as taught by Tetsumura in order to determine who is watching a program without inconsistencies of memory (Column 1, lines 20-40) as disclosed by Tetsumura.

21. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ochiai in view of Lewis as applied to claim 6 above, and further in view Tetsumura (US 5,793,409).

Regarding Claim 21, Ochiai and Lewis discloses all the limitations of Claim 13. Ochiai and Lewis are silent the viewing context of the user comprises detected composition of a currently viewing audience comprised of at least one person in addition to the user. Tetsumura discloses a household watching a program and detecting the number of people watching the program and the program (Column 3, lines 7-25, Column 4, lines 66-67, Column 5, lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ochiai in view of Lewis to include discloses a household watching a program and detecting the number of people watching the program and the program (Column 3, lines 7-25, Column 4, lines 66-67, Column 5, lines 1-3) as taught by Tetsumura in order to determine who is watching a program without inconsistencies of memory (Column 1, lines 20-40) as disclosed by Tetsumura.

### ***Double Patenting***

22. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

23. Claim 2 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of US 6,160,570 (Sitnik). Although the conflicting claims are not identical, they are not patentably distinct from each other because they are broader in scope and therefore would unduly extend the time wise monopoly afforded to the other claims.

Regarding Claim 1 of the instant application, limitation "An apparatus" is met by the limitation "A digital television system including a digital television receiver" of US 6,160,570, as an apparatus for receiving a TV program can be a digital TV receiver.

The instant application's limitation "a memory for storing a user profile and computer executable process modules" is met by the limitation "a memory for storing a user profile and computer executable process steps" of US 6,160,570, as computer executable process modules perform steps.

The instant application's limitation "a display processor for receiving video data and for providing the video data as a sequence of video segments" is met by the limitation "a display processor for receiving video data contained and for providing the video data as a video sequence" of US 6,160,570, as the video sequence contains segments or portions.

The instant application's limitation "a display for displaying the sequence of video segments" is met by the limitation "a display for displaying the sequence of picture frames" of US Patent 6,160,570, as the picture frames can be portions.

The instant application's limitation "an editing process module for producing an edited version of the TV program in light of the user profile to thereby cause the display processor to display the edited version, wherein the editing process module produces an edited version in light of a viewing context of the user in combination with said user profile" is broader than "a controller for receiving video data corresponding to at least two alternative images, and for executing the process steps stored in the memory so as (i) to select one of the alternative images based on information stored in the user profile, and (ii) to cause the display processor to include the selected one of the alternative images within the video sequence, wherein the alternative images comprise images of object in the video sequences, said selected image then appearing on the display integrally in picture frames of the video sequence" of US 6,160,570. It would be obvious to modify the instant application to include the limitation found in US 6,160,570 as it is taught by prior art.

The instant application's limitation "an apparatus for receiving a television program as a transport stream and for editing said television program for a user" and "a memory for storing said transport stream" and "receiving video data contained in said transport stream" are additional features. It would have been obvious to modify US 6,160,570 to include the limitations as prior art discloses the limitations. Ochiai discloses an apparatus for receiving a television program as a transport stream and for



editing said television program for a user (Column 7, lines 28-38, Figure 5), a memory for storing said transport stream (Figure 5, 12), and receiving video data contained in said transport stream (Column 7, lines 28-38, Figure 5). Lewis discloses that viewing context and user profile are used in combination to perform editing to produce an edited version (Pages 16-17, paragraphs 0169, 0173, Page 13, paragraph 0136, Page 5, paragraph 0041-0042).

### ***Conclusion***

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

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272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
August 30, 2006

  
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